

PREACHERS ALLEGE ERRORS

Motion for New Trial is Filed in the Scott Contempt Case.

IT IS A LENGTHY BUT POINTED DOCUMENT

Several Alleged Civil Errors in the Ruling of the Court are Enumerated—Ministers are Still Out of Jail.

Rev. H. C. Herring, Rev. T. J. Mackay and W. P. Harford, defendants in the recent contempt proceedings in Judge Scott's court, are still on the sunny side of the bars and their fines remain unpaid.

Attorneys for the defendants have filed a motion for a new trial. They believe they have discovered vital defects in Judge Scott's ruling and the men of the cloth are not anticipating imprisonment. Probably the most important points mentioned in the motion for a new trial are as follows:

First—That the defendants were not arraigned and given opportunity to plead prior to the trial.

Second—That after being adjudged guilty the court did not ask them what they had to say as to why sentence should not be pronounced upon them.

Third—That they were not allowed a reasonable time in which to prepare for trial.

Fourth—That the filing of the information should have been by the county attorney instead of by Benjamin Dodd, the plaintiff in the habeas corpus proceedings.

The four attorneys representing the preachers wear a smile which seemed to say: "He who laughs last, laughs best," Judge Scott has not yet passed upon the motion. The preachers did not enter personal appearance.

The greater part of the forenoon in Judge Scott's court was taken up with a motion to dismiss the contempt proceedings against L. D. Holmes, former president of the Children's Home society, on the ground that he is no longer connected with the institution and that while he was its president he did everything in his power to produce the missing Dodd children in court. This phase of the many-sided case goes over until Tuesday.

The sheriff has made returns on the writs citing the Barnes and the Gordons to appear before Judge Scott to answer by what right they hold two of the Dodd children out of court. The sheriff was unable to find the children, but found their keepers, and they are expected to appear this week some time. Although in the application for order to bring in the keepers of the children the name of ex-Judge M. R. Hopewell was mentioned because of the advice he is alleged to have given, no citation has yet been issued for him. It is stated in the clerk's office that Judge Hopewell will simply be subpoenaed in the regular form as a witness.

BANK CASE HAS RIGHT-OF-WAY.

Exposition Employees Must Wait Before Being Given a Hearing.

The 200 employees of the greater America Exposition who have brought suit in United States court in an attempt to collect wages due them from the association were on hand at an early hour yesterday, but instead of the case being called it was postponed on account of the case of the United States against the Reimers and Alder, the Ne'ish bankers, being on the criminal call. At this time this case is well under way and part of the testimony is in. The jurors are kept together and the court did not think it advisable to postpone the hearing in order to take up the exposition case. As the Reimer trial will consume several days it is not likely that the exposition case will be reached until after Christmas.

The Decorative Plant company and the Dewey & Stone Furniture company have filed answers in the United States district court protesting against the bankruptcy proceedings instituted against the exposition association. They contend that they are creditors in the sum of \$1,052 and \$235, respectively, and allege that the exposition association has committed no acts of bankruptcy.

OFFICIAL BONDS ARE FILED

County Commissioners Hold Lengthy Session—Voting Machines Are Discussed.

At a lengthy session of the county commissioners a vast array of routine business was transacted, including the reception of several official bonds filed by newly elected officers, all of which were referred. The commissioners also took notice of the resignation of John Lewis, chief deputy sheriff, and the sheriff was authorized to employ substitute help for the remainder of his term, with the provision that such service shall be paid at a rate not to exceed \$100 per month, which was the salary of Deputy Lewis.

It is understood that Deputy Lewis' resignation was due to friction between himself and Sheriff McDonald, constable, \$1,000, signed by Thomas Dennison and Zola Seiro; William A. Hardy, constable, \$1,000, signed by Newton Niday and Dennis Cunningham.

Justices of the peace were ordered to hand in their dockets immediately on expiration of their terms so the board of commissioners can make the various assignments.

A resolution was adopted for the appointment of a committee of commissioners to confer with a city council committee relative to the adoption of voting machines for the next election.

There was also some discussion relative to the county funds tied up in default bonds, which were ordered to be roughly entered into at a previous meeting.

The misunderstanding relative to printing reward cards for the apprehension of the supposed slayer of Lizzie McAuliffe was not talked about in open meeting, but one of the commissioners is authorized to state that the cards are now being issued from a job printing office.

OPPOSITION GROWS IN VIGOR

Kansas Cattlemen Will Enter United States Court—Challenged in Live Stock Shipping Rates.

Union Pacific executive officers have received copies of a circular signed by the president and secretary of the Kansas Live Stock association, calling a meeting of all Kansas growers and shippers of live stock to be held in the court house at Emporia, Kan., December 28. Similar circulars have been forwarded the executive officers of all railroads operating in Kansas. The circular reads as follows:

"A meeting of the Kansas Live Stock association will be held for the purpose of taking action toward protecting cattle shippers against the unreasonable and unjust rates recently put into effect by the Kansas railroads, and also make an effort to obtain better service from the railroads in the transportation of live stock. All parties interested, whether members of the association or not, are invited to attend."

This meeting grows out of the recent change made by the railroads in charging for the transportation of live stock. Previously the rate was fixed at dollars per car.

SHOPS SHOW THEIR WARES

Tradersmen Fill Their Windows with Attractive Christmas Goods.

BUSINESS HAS DOUBLED OVER LAST YEAR

Holiday Season Gives Rise to Unwonted Activity Among the Merchants—Artistic and Lavish Displays Tempt the Purchaser.

Saloon Keeper Frank Kasiski is Made to Tell Where His Money is Kept.

A carefully planned and successfully executed robbery occurred shortly after 3 o'clock yesterday morning at the Arbor Hall saloon, 3002 Walnut street. The two men who did it were evidently well acquainted with the proprietor's method of carrying on his business. A hole was bored in the door with an augur and with the aid of an iron rod the brace which held it was thrown back. The two then made their way to a rear room where Frank Kasiski, the owner of the place, slept. They woke him, and at the point of two revolvers, demanded that he give up either his life or the hiding place of his money. He chose the latter alternative, and acting on his directions the men carried away \$100. The police were not notified until nearly two hours later, and the clerk they have to work on is very slender. The place is an ideal one for a job, being on the outskirts of the city and in a thinly populated section.

ALLEN'S RIGHT TO HIS SEAT

Manderson Gives Opinion that Governor Was Empowered to Fill the Vacancy.

General Charles F. Manderson, who returned from Chicago yesterday, was asked his opinion as to whether William V. Allen may lawfully take his seat in the senate. General Manderson having had the benefit of experience as acting president of the senate, and having been an authority on the usages of that body. The possibility was pointed out to him that a vacancy within the filling of the governor might have not occurred inasmuch as Hayward had not taken the oath of office. In reply he said: "My opinion is that the governor was authorized to fill the vacancy caused by Hayward's death and that Allen is entitled to take his seat. I would not wish to be quoted as to reasons for that opinion without writing them out and I have no time to do that."

PAIR OF DESERTED BABIES

Two Little Ones Left by Their Mothers in a Crowd of Christmas Bazaar Hunters.

The managers of the People's store found two babies left upon their hands yesterday, with no mothers to care for them. Whether the little ones were deserted or whether they were left by mistake, is an unanswered question. Their identity is thus a mystery.

One child looked to be about 3 years old and the other was a few months younger but neither could talk sufficiently to reveal names or addresses. They were taken to the Child Saving institute, to be held for identification.

G. C. PORTER IS SET FREE

Entire Proceedings in Edholm Assault Case Are Dismissed in the Police Court.

The case of G. C. Porter, charged with shooting Albert Edholm, the sixteenth street Jeweler, with intent to kill, was called before Judge Gordon yesterday and was dismissed at the instigation of the prosecuting witness. This, it is understood, is the final chapter in the case. Porter was arraigned a few days ago and entered a plea of not guilty.

SOME VALUABLE HOUSEHOLD REMEDIES.

Commercial says: "We have used Chamberlain's Remedies and unhesitatingly pronounce them superior to anything we have ever tried." Hunt the world over and you will not find a better medicine for colds and influenza, Chamberlain's Cough Remedy. The great success of Chamberlain's Colic, Cholera and Diarrhoea Remedy has made it the leader and most popular remedy in use for bowel complaints, while Chamberlain's Pain Balm has become famous for its cures of rheumatism, sprains, swellings and lameness. Try these remedies and you are certain to be more than pleased with the result.

Gold Going to Europe.

NEW YORK, Dec. 16.—Muller, Schall & Co. shipped \$250,000 to Europe today. Bank of Montreal Co. have increased their engagement to \$1,000,000. Total thus far engaged, \$2,500,000.

A subsidiary official says that it will be a physical impossibility to prepare any new lots of gold in time for shipment by today's steamer, which sails at 2 p. m. There is no other gold bullion until next Saturday, owing to the increased demand for British transports.

Drink Old Quaker Rye. Soft and mellow.

Wood Sells for Cuba. General Leonard Wood, the newly appointed governor general of Cuba, sailed for that country today on board the steamer Mexico. General Wood was accompanied by his aide-de-camp, Lieutenant E. C. Brooks of the Sixth cavalry.

Acquitted by Methodist Council.

MINNEAPOLIS, Minn., Dec. 16.—The Methodist judicial council, after a trial lasting three days, has acquitted Rev. C. C. Clime of Portland, Ore., who was accused of a false representation in the sale of Pacific coast fruit farm to D. Thompson of the Oregon, Ia. Clime had been expelled from the Oregon conference on these charges. The jury, composed of nineteen laymen and six clergymen, voted six to five for complete vindication and three for remaining in the case to the Oregon tribunal. This is the highest court in the Methodist church and its decision is final.

Lucania the Christmas Ship.

NEW YORK, Dec. 16.—The Cunard line steamship Lucania sailed today for Liverpool. The Lucania has the distinction of being the "Christmas ship" this year, being the last vessel to sail from this side and arrive in England before Christmas. The first cabin there were 240, in the second 125 and in the steerage about 150 passengers. The Lucania carried over 1,000 bags of mail and the postoffice returns show that it took out \$71,800 in money orders. It also had on board \$1,700,000 in gold.

Lafayette Dollars All Coined.

PHILADELPHIA, Pa., Dec. 16.—The coinage of the 50,000 Lafayette dollars at the United States mint for the Lafayette memorial commission has been completed. The money, which is being sent to the members of the committee in Chicago under the care of the United States Express company, will be available to the committee generally an opportunity to subscribe for the dollars at \$2 each until a date yet to be decided upon, when all the dollars not disposed of will be taken to the Paris exposition and there sold.

Lake Steamer a Total Loss.

DULUTH, Minn., Dec. 16.—The steamer Carver, Ore., reported wrecked at Lake Superior, Georgian bay, is a total loss, as the insurance on it expired December 12. Rates were so high that the Canada-Antwerp company, the owner, failed to renew. Its valuation for insurance was \$100,000 and it was worth \$200,000 and had belonged to the company only three months. It had 30,000 bushels of wheat on board. The loss of freight, worth in all \$120,000. This is the first heavy loss of the season.

Mr. Fredrick--Hatter

is kept constantly on the run these last few days before Christmas, for every one realizes that the holidays are well ahead of the holidays requires one of our late style Dunlap or Stetson hats—for the cold snap we are having at present one of our stylish and comfortable caps would not come amiss—they are made in a variety of shapes and colors and are as dainty as comfortable—they come from 50 cents up. The ladies are taking advantage of our assortment of wool gloves for holiday presents—nothing more acceptable, warm or convenient can be found if you are looking for something useful.

FREDERICK

The Hatter, The Leading Hat Man of the West 120 South 15th Street.

Carving a Christmas Turkey

Turkey is a great pleasure if you do it with an elegant carver that was given you for Christmas—Your friend will greatly appreciate a carving set from you at a festive dinner. A good, substantial and a lasting memento of the donor—We have just what you want in that line—if you don't want a carving set perhaps you can find something in this list that will please you: Pocket knives, razors in sets of two and six in a case, Star Safety razors, table knives and forks, nickel tea and coffee pots, Rogers' tea and table spoons, scissors in cases, Barney & Berry and Winslow and Peck & Snyder skates (all new for this year), chafing dishes and 5 o'clock teas, iron wagons and sleds; all kinds and all prices.

A. C. RAYMER, 1514 Farnam St.

Yes Copley

The Jeweler has something that will just suit papa, mamma, uncle, aunt, sister, brother, baby or sweetheart. It will only take a few minutes of your time to step in and see Copley's stock. Do it.

Henry Copley WARES OF GOLD AND SILVER. 215 S. 16th St. Paxton Block.

INVALID CHAIRS.

We carry in stock a large line of rolling and reclining chairs for the use of invalids and cripples. Call or send for illustrated Catalogues and Prices.

THE ALOE & PENFOLD CO., Deformity Brace Manufacturers, 1408 Farnam OMAHA. Op. Paxton Hotel.

LAW MAY BAR OUT MACHINES

Statute Contemplates Use of Only Printed Ballots in Elections.

CONNELL THINKS COUNCIL IS POWERLESS

Election Law Makes Strict Provisions Which it is Deemed Impossible for the Voting Machines to Legally Meet.

"To give you a 'curbstone' opinion," said City Attorney Connell, "without having gone into the matter exhaustively, I should say that any effort to use voting machines in that Nebraska would be in violation both of the constitution and the Australian ballot law. I am heartily in favor of machines and believe that they must necessarily come in the near future, but it seems to me impossible to reconcile them with existing statutes."

"The constitutional provision relating to the method of voting is contained in six words—'Voting shall be done by ballot.' It is possible that the clause might be interpreted liberally enough to apply to the machine's system of registration, but that is a matter for the courts to decide."

"The law relating to elections by the Australian ballot system is much more difficult to evade. Almost every section of it is written in contemplation of the use of printed ballots. It provides for the quality and number of ballots, it specifies that the voter must be printed; it specifies that the voter must enter a booth and mark a cross opposite the name of his favored candidate; it describes the method which must be pursued in folding the ballots so that the superscribed names of the judges and clerks shall be excluded from the view of the voter. The judges must string the ballots after they have been cast in a prescribed fashion. It is impossible in my opinion for the machines to live up to these requirements even in a broad sense."

Ballot Law in Full Force.

"It is true that a supplementary enactment was passed last April by the legislature allowing the use of voting machines where properly authorized by county or municipal boards, but that act does not invalidate in any way the ballot law. The permission given only has force provided the terms of the ballot law are observed. Strict requirements are also laid down in the act granting the privilege. First, the machines must guarantee the voter absolute secrecy; second, they must preserve an accurate record; third, they must be proof against fraudulent voting, and not liable to get out of order either through accident or tampering."

H. Van Dusen of Douglas county was a member of the judiciary committee to watch the voting machine law was referred by the legislature. He points out that the constitutional and statutory requirements regarding elections are apparently fatal to the introduction of voting machines. The committee recommended the bill for passage, however, as the first step toward the desired innovation. The superiority of the new method was thought to be so evident that it would warrant an amendment to the statutes and even the constitution later on. The latter step may not be necessary, he said, according to the decision of the supreme court in Michigan. In that state the constitutional provision is similar to ours and it was ruled that the word "ballot," which according to Webster is "any printed or written ticket used in voting," may be extended to apply to voting machines.

It is the desire of Councilman Burmaster, who introduced the voting machine proposition, to get action on the matter at once, as the iron boots are in a wrecked condition and will not be equal to the emergency of the spring election. They can only be replaced at an expense of \$15,000.

Mrs. R. Churchill, Berlin, Vt., says: "Our baby was covered with running sores. De Witt's Witch Hazel Salve cured her." A specific for piles and skin diseases. Beware of worthless counterfeits.

Devey Arch Fund Subscription.

NEW YORK, Dec. 12.—This week's subscription to the Devey arch fund aggregated \$7,500, of which \$5,000 came from the metal trade committee and \$2,500 from August Devey. The fund subscriptions to date reach about \$200,000, which is one-fifth of the sum required.

BURIAL OF MAINE VICTIMS

Substantially Same Program as in Case of the Santiago Dead.

WASHINGTON, Dec. 16.—Assistant Secretary of the Navy Allen, having selected the place where the dead of the Maine are to be buried, is now making arrangements for the re-interment, substantially on the same lines as those followed in the case of the Santiago victims. The remains of Maine victims will be brought by a special train directly from Fort Monroe to Arlington. They will be carried through General Sheridan's gate and placed in hospital tents pending the burial service, each casket covered with an American flag.

It is expected that the president, the members of the cabinet, most of the army and naval officers in Washington and a large number of persons will be present at Arlington when the final interment takes place, probably the last week in December.

RELATIVES MUST PAY EXPENSES.

Government Can Inter Remains of Maine Victims Only in Arlington.

WASHINGTON, Dec. 16.—It will be a great disappointment to the relatives and friends of those victims of the Maine explosion whose remains were more than interred privately at their late homes to learn that

Mr. Fredrick--Hatter

is kept constantly on the run these last few days before Christmas, for every one realizes that the holidays are well ahead of the holidays requires one of our late style Dunlap or Stetson hats—for the cold snap we are having at present one of our stylish and comfortable caps would not come amiss—they are made in a variety of shapes and colors and are as dainty as comfortable—they come from 50 cents up. The ladies are taking advantage of our assortment of wool gloves for holiday presents—nothing more acceptable, warm or convenient can be found if you are looking for something useful.

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Drexel L. Shooman

as a drum major, can't be more proud than your friend would be with a pair of our new patent leathers. Nothing will make a better Christmas gift for man or woman. We have them in all the styles. For men we have patent leather shoes at \$3.50 up to \$8.50. For the women we have patent leather shoes at \$3.50 to \$5.50. Patent leather Oxford and slippers at \$2.50 to \$4.00. You can make your selections now and we will fit them after Christmas. Such sensible gifts as these make the best kind for everybody. Come in Monday and take a look at our Christmas slippers, now on display.

Drexel Shoe Co., Omaha's Up-to-date Shoe House, 1619 FARNAM STREET.

Fine Old Violins--

Have just received some rare old violins—a splendid collection and prices reasonable. Some of these violins have been used by celebrated players and are of excellent tone. If you wish to present somebody with a fine violin here is an opportunity to get something extraordinary. We also have good violins in the smaller sizes, for children. We have complete outfits for \$3.00 and up. Guitars and mandolins, splendid instruments, for \$5.00, including a handsome case. See our large stock of musical toys, music boxes, music books in fine binding, music rolls and bags and sheet music.

A. HOSPE, Music and Art, 1513 Douglas.



A New Fad

The Thumb Mark Album.

All who have read Mark Twain's "Puddin' Head Wilson" will recall Wilson's hobby of the thumb lines. It is an established fact that no two persons have the same thumb alike. This album is of recording the markings of your friends thumbs, and in addition you can secure their autograph. A specially prepared ink pad with an ink that will not soil the hands goes with each album. The idea is unique and very taking. There is nothing else on the market like it. Made in an elegant padded leather binding. Price \$1 and \$1.25.

We have just received a shipment of the new game of Croland. This game promises to be fully if not more popular than our combination game boards which have had such large sale. They are elegantly finished and are covered with a fine quality of green baize. The balls are of nicely polished hard wood, making a game that is fascinating, entertaining, and one that can be enjoyed by old or young. Put up in two styles, only \$3.25 and \$3.50. Call and see it.

Christmas trade commenced earlier than usual this year but our large stock of books, fine stationery, leather goods, Christmas cards, and Calendars were so carefully selected the assortment is almost unbroken. Remember we can show you the finest and the latest in all the above lines.

MEGEATH STATIONERY CO. Open evenings until Christmas, 1308 Farnam Street.

Don't be Troubled About WHAT to Give

Or what to put on the tree. A visit to our store will convince you that we have plots of good sensible gifts for all.

Razors, single and in cases, Scissors, single and in cases, Pocket Knives, for man or child, Sportsman's Knives, Skates, Barney & Barry, Silver Knives, Silver Forks, Roast Carvers, Bird Carvers, Shaving Mugs and Brushes.

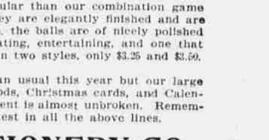
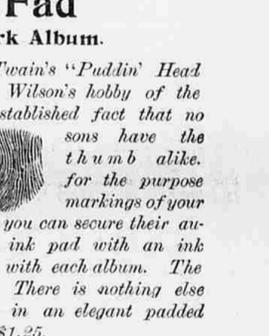
Razors, Safety, single & in cases, Shears, the best makes, Scissor Knives, Scroll Saws, Carpenter Tools, Small sizes for the boy, Silver Spoons, Steak Carvers, Nail Nippers, Nail Scissors, Nut Cracks, Nut Picks.

JAS. MORTON & SON CO., 1511 DODGE STREET.

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BUFFET LIBRARY CARS Best Dining Car Service.



SIX MONTHS TREATMENT FOR ONE DOLLAR

Dr. Burkhart's VEGETABLE COMPOUND

IN TABLET FORM—PLEASANT TO TAKE. It is sold under a bona fide guarantee to cure Rheumatism, Liver Disease, Fever, and Ague, Headache, Neuralgia, Sick and Nervous Headache, Paralysis, Erysipelas, Female Complaints, Dropsy, Indigestion, Nervous Prostration, Aneurism, Dyspepsia and Constipation.

Dr. Burkhart's Vegetable Compound is a household word in all the neighboring States and is the only medicine that has cured of Lumbago, Sciatica, Rheumatism, Gout, and Gravel in the back, neck, and joints. For sale in all drug stores. Dr. W. H. Burkhart, Chicago, Ill. For a full and complete treatment see his monthly Bulletin, No. 27, 1000 Broadway, New York, N. Y.